

<sup>1</sup> The defendant moved for judgment as a matter of law pursuant to Fed. R. Civ. P. 50 on two grounds: (1) that the plaintiff's claims in this case required expert testimony to establish the standard of care, which the plaintiff failed to produce; and, (2) that the MTA is immune from liability under the governmental function doctrine. On August 11, 2020, the defendant advised this Court that it would not pursue its motion for further post-verdict relief then pending before the Court (Doc. No. 153), and the defendant hereby advises that it will not appeal the remainder of the August 3, 2020 Opinion and Order.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2020, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/

Beck S. Fineman, Esq.